



W.P(MD)No.4826 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4826 of 2024

Vidhya

... Petitioner

Vs.

1.The Reserve Bank of India,
Represented by its Regional Director,
Regional Office,
Chennai – 600 001.

2.The Branch Manager,
HDFC Bank Ltd.,
406, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Street, K.K.Nagar,
Madurai – 625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to take action on the petitioner's representation dated 19.02.2024 seeking to direct the 2nd respondent to release the original document deposited by the petitioner's husband bearing Document No.1764/2016 dated 10.03.2016 to the petitioner within a time frame fixed by this Court.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.N.S.Karthikeyan,
Standing Counsel for R2.

ORDER

Heard both sides.

2.One Prem Anand availed loan from the second respondent. He passed away. The petitioner is his wife. She wants to redeem the mortgage and get back the documents. It is seen that the said Prem Anand was already married to one Rathi. But it is stated by the petitioner that the marriage between Rathi and Prem Anand was dissolved in the manner known to law. The bank had only been calling upon the petitioner to submit the divorce order. Now the said order is available.

3.I am certain that on production of the divorce order by the petitioner indicating dissolution of marriage between Rathi and Prem Anand, the bank would definitely not insist on obtaining consent from the divorced wife.



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4.Directing the petitioner to approach the second respondent and mandating the second respondent to act as per law, the writ petition is disposed of. No costs.

11.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 13.03.2024.



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G.R.SWAMINATHAN, J.

ias

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